



OFFICE OF
THE SECRETARY

Federal Communications Commission
Washington

DOCKET FILE COPY ORIGINAL

March 15, 1995

Honorable Bill Richardson
Chief Deputy Majority Whip
Congress of the United States
House of Representatives
2349 Rayburn House Office Building
Washington, D. C. 20515-3103

Attn: Miguel Marquez

Re: PP Docket No. 93-253

Dear Congressman Richardson:

Thank you for your letter dated January 23, 1995, concerning the Implementation of Section 309(j) of the Communications Act -- Competitive Bidding with regards to reconsideration of rules established for the entrepreneurs' blocks in the broadband Personal Communications Service.

Your letter was forwarded to the Office of the Managing Director for reply in keeping with the Commission's ex parte rules, which deal with communications relative to all "restricted" proceedings under consideration by the Commission. The Managing Director asked me to respond on his behalf.

The ex parte rules require service on all parties of filings addressing the merits or outcome of restricted proceedings. Because a Petition for Reconsideration or, in the alternative, For Declaratory Ruling was filed by Bastion Capital Fund, L.P. and is still pending, the proceeding is considered "restricted" and remains so until such time as a Commission decision is made and is no longer subject to reconsideration or review by the Commission or the courts. See 47 CFR Section 1.1208(c)(2).

In accordance with FCC Rules as found in 47 CFR Section 1.1212(e), I have, by copies of this letter, provided notice and disclosure of your communication to all parties to this proceeding.

Additionally, this letter and your communication have been placed in a public file associated with (but not made a part of) the record in the proceeding. See 47 CFR Section 1.1212(d).

You may be assured that the Commission will closely examine all evidence in the record in order to determine which course of action will best serve the public interest, convenience and necessity.

Sincerely,

William F. Caton
William F. Caton
Acting Secretary

cc: APC

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Congress of the United States
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Washington, DC 20515-3103

January 23, 1995

CHAIRMAN, SUBCOMMITTEE ON
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3/17*

The Honorable Reed Hundt
Chairman, Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20544

Dear Reed:

I am writing to bring to your attention my concerns regarding Bastion Capital Corporation's participation in the upcoming C block PCS auction. I would appreciate your assistance in ensuring that Bastion receives equal treatment to other minority enterprises making capital investments in designated entities.

Seemingly, a limited number of minority investors are receiving extra-preferential treatment putting companies like Bastion at a competitive disadvantage. It has been brought to my attention that other minority controlled companies are receiving preferential treatment in the competitive bidding rules for the C block auction. I believe that a reassessment of Bastion's situation may be in order. Being the controlling member of a minority owned business I believe that Bastion is entitled to receive equal treatment under competitive bidding rules. I would appreciate your assistance in ensuring equal treatment for all minority owned companies in the upcoming C block auction.

Thank you for your attention to this issue. If you need further information please do not hesitate to contact me or have your staff contact Miguel Marquez of my staff.

With warm regards,

Bill Richardson
Chief Deputy Whip

BR/mm

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